



# Village of Brookfield

8820 Brookfield Avenue • Brookfield, Illinois 60513-1688  
(708) 485-7344 • FAX (708) 485-4971  
[www.brookfieldil.gov](http://www.brookfieldil.gov)

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VILLAGE OF BROOKFIELD  
BROOKFIELD, ILLINOIS 60513

## **BROOKFIELD VILLAGE BOARD – COMMITTEE OF THE WHOLE MEETING Monday, February 9, 2009**

**7:00 p.m. or Immediately following Village Board Meeting  
Edward Barcal Hall  
8820 Brookfield Avenue  
Brookfield, IL 60513**

### **AGENDA**

- I. Discussion** – Revision of Personnel Manual – Vacation Leave Policy
- II. Discussion** – Copy Machine Lease
- III. Discussion** – Commission Agenda Process
- IV. Discussion** – E Mail Communication and Retention Policy
- V. Discussion** – WEDGE Task Force
- VI. Addresses from the Audience** – Any member of the audience who wishes to address the President and Village Board may do so at this time
- VII. Adjournment**

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Village of Brookfield (708)485-7344 prior to the meeting. Wheelchair access may be gained through the police department (East) entrance of the Village Hall





# COMMITTEE ITEM MEMO

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**ITEM:** Resolution to Revise Personnel Manual Vacation Leave Policy

**COMMITTEE DATE:** February 9, 2009

**PREPARED BY:** Michelle Robbins, Director of Human Resources

**PURPOSE:** To clarify and unify language in the personnel manual regarding vacation leave

**BUDGET AMOUNT:** N/A

**BACKGROUND:**

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The revision to the vacation leave policy will clarify vague language that currently exists in the present vacation leave policy, which will make the vacation leave policy clearer to the employee and allowing the Village to follow the vacation policy in a consistent basis.

**ATTACHMENTS:**

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1. Revised Vacation Leave Policy

**STAFF RECOMMENDATION:**

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We recommend the board to approve the revised vacation leave policy.

**REQUESTED COURSE OF ACTION:**

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That the Village Board of Trustees place consideration of the Resolution approving the proposed Resolution to Revise Personnel Manual Vacation Leave Policy on the February 23, 2009 Board Meeting agenda.



## Current Policy

### Vacation Leave

The vacation policy applies to all regular full-time employees of the Village of Brookfield, whose positions are not covered by a collective bargaining agreement, and who regularly work forty (40) hours per week.

Employees earn and accrue vacation hours beginning the first pay period of employment. The rate of vacation accrual is based on the employee's years of service at his or her anniversary date.

### Maximum Accrual of Vacation Leave

Employees with ten (10) years of service or less may accrue and carry over up to a maximum of forty (40) vacation days. Vacation days in excess of forty (40) will be lost as of January 1 each year.

Employees with eleven (11) or more years of service may accrue and carry over up to a maximum of forty-five (45) vacation days. Vacation days in excess of forty-five (45) days will be lost as of January 1 each year.

On January 1 of each year, vacation leave accrued in excess of the maximum will be forfeited. If on January 1 your vacation balance is negative, you will be required to pay back to the Village (through a voluntary, written authorization for a wage deduction or through some other method of payment the number of any deficit vacation hours.)

Employees who are separated from Village service will be compensated for all unused, accrued vacation at the employee's regular rate of pay in effect at time of separation.

### Vacation Accrual Rate in Hours for employees who work 40 hours per week.

<u>Years of Continuous Service Completed</u>	<u>Number of Working Days Vacation Leave</u>	<u>Accrual Rate Per Pay Period</u>
1-5 years	10	3.077
6-12 years	15	4.615
13-20 years	20	6.154
21+ years	25	7.692

### Scheduling of Vacation Leave

Department Heads are encouraged to schedule at least ten (10) vacation leave days during each full calendar year for their departmental employees. Use of unearned, unaccrued vacation leave is prohibited, except pursuant to a written agreement between the employee and the Village for payback.

## Proposed Policy

The vacation policy applies to all regular full-time employees of the Village of Brookfield who regularly work forty (40) hours per week.

Employees earn and accrue vacations hours beginning the first pay period of employment. The rate of vacation accrual is based on the employee's years of service at his or her anniversary date. Vacation leave is awarded to the employee on January 1 of each year, based on the vacation hours accrued in the previous calendar year, and are to be used by December 31 of that year.

Regular full-time employees (other than sworn fire personnel working a 24/48 schedule and Department Heads) shall be granted vacation leave in accordance with the following schedule.

Regular Full-Time Employees:

Length of Continuous Service	Working Days of Vacation Per Year	Hours of Vacation Per Year	Rate of Accrual per Pay Period
1 year through 5 years	10	80	3.0769 hrs
6 years through 12 years	15	120	4.6153 hrs
13 years through 20 years	20	160	6.1538 hrs
21 years or more	25	200	7.6923 hrs

Department heads shall be granted vacation leave in accordance with the following schedule. The Village Manager will have the authority to assign a higher vacation grade to exempt employees at his/her discretion.

Department Heads:

Vacation Grade	Length of Continuous Service	Working Days of Vacation Per Year	Hours of Vacation Per Year	Rate of Accrual per Pay Period
A	1 year through 5 years	10	80	3.0769 hrs
B	6 years through 12 years	15	120	4.6153 hrs
C	13 years through 20 years	20	160	6.1538 hrs
D	21 years or more	25	200	7.6923 hrs

New employees will accrue paid vacation leave calculated as follows: 3.0769 hours of vacation leave per pay period of service from the first pay period of employer through the commencement of the employee's first calendar year of service with the Village. Vacation leave accrued for this period shall be available for use after the completion of that calendar year.

*Example:*

An employee commences his employment with the Village effective September 20, 2008. The employee then accrues 22 hours of vacation (3.0769 hours for each of the pay periods of service in 2008, which in this example would be seven (7) pay periods from September 20 through December) prior to the commencement of the employee's first full year of service with the Village.

The employee successfully completes his probationary period on September 20, 2009, at which time the employee may commence using the 22 hours of credited vacation. This vacation is to be used by December 31, 2009. Upon completion of the employee's first full calendar year of service, i.e., December 31, 2009, the employee will receive 80 hours of vacation on January 1, 2010.

The transition from one level of vacation to another shall be based on employee's continuous year of service with the Village. An employee who has completed his 5<sup>th</sup>, 12<sup>th</sup> or 20<sup>th</sup> year of continuous service with the Village will accrue vacation time at the new correlating accrual rate effective from the date the employee completed his 5<sup>th</sup>, 10<sup>th</sup> or 15<sup>th</sup> year of continuous service to the end of the current calendar year. The adjusted vacation time will then be available at the beginning of the next full calendar year.

*Example:*

An employee completes his fifth year of continuous employment with the Village effective September 20, 2008. During the 2008 calendar year, the employee accrues 90 hours of vacation (3.0769 hours for the first nineteen (19) pay periods and 4.6153 hours for each pay period of service remaining in 2008, which in this example would be seven (7) pay periods). This adjusted vacation will then be available January 1, 2009 and must be used by December 31, 2009. Effective January 1, 2010, the employee is credited with 120 hours of vacation.

No advancement of vacation shall be allowed.

Vacation time must be scheduled and taken with the approval of the employee's supervisor. In approving vacation schedules, supervisors consider both employee preference and Village needs. Individual employee convenience will be honored to the greatest extent possible, but the Village may dictate actual dates based upon overall departmental and Village needs.

The Village recognizes that in some instances employees may not be able to use all of their vacation during the calendar year. An employee may carry over a portion of their vacation from one calendar year to the next as follows: for those who earn three or less weeks (120 or less hours) per year, 40 hours; those who earn 4 or 5 weeks per year (160 or more hours) per year, 80 hours. Any vacation carry-over must be used within the next calendar year. No carry-over vacation may be accumulated to a subsequent year. An employee must submit a written request for carry-over to their department head and Human Resources for carry over no later than thirty (30) days prior to the end of the calendar year. Failure to use earned vacation time as permitted herein will result in forfeiture of that vacation time and pay. If at the end of the calendar year an employee's vacation balance is negative, the employee will be required to pay back to the Village, through a voluntary, written authorization for a wage deduction or through some other method of payment, the number of any deficit vacation hours.

If a payday falls within an employee's scheduled vacation, an employee may not receive his paycheck in advance and should plan accordingly. Vacation benefits are designed for employees to have occasional rest and recreation away from the workplace. Therefore, employees should take their vacations. Pay in lieu of vacation shall not be permitted (except when an employee is leaving the employ of the Village and has or will have unused earned or accrued vacation time as of their final day of work subject to the Village's carry over rules).

Holidays observed during a vacation leave period are not charged against vacation leave.

In case of an emergency or operational need, the respective department head may cancel and reschedule any or all approved vacation leave in advance of its being taken, or call back any employee from a vacation leave in progress. Vacation leave cancelled by the Village shall be rescheduled as soon as possible during the same calendar year or carried over to the next calendar year, subject to the approval of the department head.






## COMMITTEE ITEM MEMO

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**ITEM:** Copy Machine Lease

**COMMITTEE DATE:** February 9, 2009

**PREPARED BY:** Keith Sbiral, AICP, Assistant Village Manager 

**PURPOSE:** Informational item to discuss bid requirements for imaging solution services.

**BUDGET AMOUNT:** Approximately \$15,000/year Lease Agreement.

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**BACKGROUND:**

Nearly three years ago, Staff brought forward a copy machine lease program to save the Village thousands of dollars in imaging costs over the course of the proposed three year lease program. The lease was approved with Canon Copiers and has approximately 4 months remaining. Over the past month, Staff has met with various office equipment and document imaging providers including Canon, Xerox, Toshiba, and Ricoh, in an effort to find the most cost effective and functional solution for the Village copying needs to replace the existing lease agreement. In an effort to reduce costs and improve overall efficiencies of the Village services, Staff is continuously reviewing contracts to find the best available alternatives for the Brookfield. It is important to note that the imaging needs of the Village have significantly changed over the past three years with the introduction of the paperless packet and the technological advances that have been implemented.

Staff has received three proposals, a summary of each proposal is attached to this memo. It is the Staff recommendation that the Village will be best served by changing from our existing vendor relationship with Canon Business Solutions. Staff has attached a summary of the current copier lease costs as well as a summary sheet from each of the three vendors. Staff will outline these proposals as well as the Staff recommendation at the Committee meeting.

The Village previously purchased copy machines instead of leasing the machines. Staff is recommending a continuation of a lease option for new machines. Staff is recommending moving forward with negotiation of a lease agreement with Core Print Solutions for Ricoh machines under a five year lease agreement.

Staff will outline the details of these proposals at the Committee Meeting. Please note that due to minor differences in the proposals the three proposals are not perfectly parallel. Staff expects the village will save approximately 11,000 dollars per year compared to our existing lease agreements. Additionally, the print services of the Village will be greatly improved. Over 50% of laser printers and 100% of ink jet printers will be eliminated in the first year which will result in additional significant savings.

Note that a sample machine will be at the Village hall in the coming weeks for a demonstration.

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**ATTACHMENTS:**

1. Current Lease/Own Situation.
2. Summary of Three Print Solution Proposals.



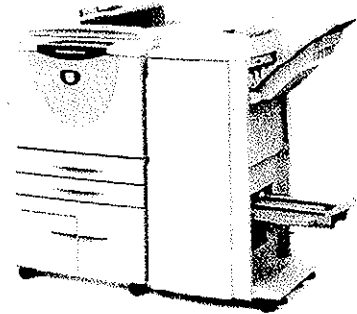
# Current Situation

- Main Office - Canon IR 6870
- Main Office - Ricoh 551
- Police Station - Canon IR 5070
- Recreation - Canon IR 3570
- Fire Department - Toshiba 210c
- Public Works - Canon IR 3570

Current Equipment / Applications	Current Coverage Levels
Canon IR – 5070 Lease	\$340.00
Service 10k impressions	\$70.00
Canon IR - 6870 Lease	\$537.00
Service 10K impressions	\$70.00
769 Color impressions @ .09	\$70.74
Canon IR – 3570	\$192.00
Service 6k impressions	\$42.00
Canon – 3570	\$213.00
Service 3k impressions	\$21.00
Ricoh 551	\$210.00
Service 5k impressions	\$79.00
Toshiba 210c	\$180.00
769 color impressions @ .154	\$93.78
2,920 b/w impressions @ .0421	\$122.93

**CURRENT Total Monthly Investment \$2,241.45**

# Proposed Solution



- |                     |                                   |
|---------------------|-----------------------------------|
| • Main Office -     | Xerox WorkCentre 7345 w/ finisher |
| • Main Office -     | Xerox WorkCentre 5632             |
| • Police Station -  | Xerox WorkCentre 5645 w/ finisher |
| • Recreation -      | Xerox WorkCentre 5632             |
| • Fire Department - | Xerox WorkCentre 7328 w/ finisher |
| • Public Works -    | Xerox WorkCentre 7328             |

Yearly black and white impression average = 34,973

## Proposed Coverage Levels

34,000 black and white impressions

Overages will be billed at .007

1,300 Color impressions

Overages will be billed at .07

Proposed Monthly Investment

\$2,010.97

10% Savings a month!!!

**TOTAL MONTHLY SAVINGS: \$230.48**

## COTG Total Service Management Program protects your investment.

Reliability is built into all products, ensuring maximum availability for your business. However, when unforeseen problems occur, you should be assured that COTG will provide maintenance. We maintain extensive local parts, supplies and equipment availability to minimize any potential downtime.

The **COTG Total Service Management Program** offers you the following features and benefits:

☒ Parts

☒ Labor

☒ Toner

☒ Unlimited Service Calls

### Features

*Guaranteed onsite arrival average within 4 hours*

*24-hour automatic dispatch system*

*Next day delivery on supply orders*

*One vendor, one invoice, one service provider*

### Benefits

Prompt acknowledgment of your call and estimated arrival time

Around the clock support by the best people in the industry

As your business needs become critical, we are there to support

Eliminates the redundancy and the confusion of dealing with multiple vendors

January 7, 2009





### Current Situation

Lease Payments	\$1,672.00	
Some 48 Month Obligations		
Some 60 Month Obligations		
Service Costs	\$569.45	Averaging 36,920 B&W Copies a month
Fax Costs	\$270.00	Averaging 1,538 Color Copies a month
(6 Locations X \$45 a month)		
 Total Operating Cost per month	 \$2,511.45	

<u>Current</u>	<u>Proposal #1</u> <u>Proposed</u>	<u>Advantages</u>
Main Office Canon IR 6870 (68 ppm B&W and 16 Color)	Main Office Ricoh C5000 s/p/f (50 B&W/50 Color)	Color Copying & Scanning Fax From the Desktop 34 pages faster for Color
Ricoh 551 (51 ppm B&W: Just Copier)	Ricoh MP 5000s/p (50 ppm B&W)	50 ppm copying/scanning/printing Color Scanning
Police Station Canon 5070 (B&W 50 ppm)	Ricoh C5000 s/p/f (50 ppm Color/B&W)	Upgrading to color 50 ppm color: Fax from Desktop
Recreation IR 3570	Ricoh C2800 sp/f	Upgrading to color: Fax from the Desktop
Fire Department Toshiba C210	Ricoh C2800 s/p/f	Upgrading to 7 ppm faster or 33% faster. Faxing included Fax From Desktop
Public Works Canon IR 3570	Ricoh C2800 s/p/f	Upgrading to color: Fax from the Desktop Camera Port included: Print directly from the Camera to the printer

Lease Options:

<u>36 Months</u>	<u>39 Months</u>	<u>48 Months</u>	<u>60 Months</u>
\$1,725.00	\$1,655.00	\$1,470.00	\$1,249.00
Service Options:			
18, 500 Color Copies a Year	Original \$5,948.30		Monthly Payments \$505.66
444,000 B&W Copies a Year	Paid all at once \$5,650.60		Total Cost \$6,067.99

Overages for B&W \$.009 & Color Overages \$.07

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***VILLAGE OF BROOKFIELD Proposed Pricing***

Proposed Solution Includes	Purchase	36 month	48 month
(1) <b>Canon IR-5050 MFD (Police)</b> - Network Printing - Universal Send-Scanning - Finisher-F1	<b>\$7,349</b>	<b>\$211</b>	<b>\$165</b>
(1) <b>Canon IR-5050 MFD (Office )</b> - Network Printing - Universal Send -Scanning - Finisher-F1	<b>\$7,349</b>	<b>\$211</b>	<b>\$165</b>
(1) <b>Canon IR-3235 MFD (Recreation)</b> - Network Printing - Universal Send -Scanning - Finisher-F1	<b>\$5,697</b>	<b>\$162</b>	<b>\$128</b>
(1) <b>Canon IR-3235 (Public Works)</b> - Network Printing - Universal Send -Scanning - Finisher-F1	<b>\$5,697</b>	<b>\$162</b>	<b>\$128</b>
(1) <b>Canon IRC-5185 (Keith Office)</b> - <b>Color</b> - Network Printing - Universal Send -Scanning - Finisher-F1	<b>\$15,091</b>	<b>\$427</b>	<b>\$338</b>
(1) <b>Canon IRC-2550 MFD (Fire )</b> - <b>Color</b> - Network Printing - Universal Send -Scanning - Finisher-F1	<b>\$7,249</b>	<b>\$205</b>	<b>\$163</b>
<b>TOTAL</b>	<b>\$48,432</b>	<b>\$1,370</b>	<b>\$1,086</b>
<b>Pricing includes all delivery, Installation and training sessions.</b>			
<b>To Add Faxing</b>	<b>\$610</b>	<b>\$18</b>	<b>\$14</b>





## COMMITTEE ITEM MEMO

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**ITEM:** Commission Agenda Process and Board/Commission Discussions

**COMMITTEE DATE:** February 9, 2009

**PREPARED BY:** Keith R. Sbiral, AICP, Assistant Village Manager

A handwritten signature in black ink, appearing to be "KS", is written over the name "Keith R. Sbiral".

**PURPOSE:** Staff Presentation of Board/Commission Process Meetings

**BACKGROUND:**

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Over the past several months the Board of Trustees has indicated the desire to meet with each Board, Commission, and Committee to outline a work plan for the 2009 budget year. This, in addition to changes in the agenda/packet posting process, will be the subject of a brief staff presentation.

Please note the attached memorandum presented to department heads in late January will be the basis for the presentation.

**ATTACHMENTS:**

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1. Board and Commission Process Memorandum, dated January 26, 2009.

**STAFF RECOMMENDATION:**

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Staff will give a presentation at the Committee of the Whole meeting.

**REQUESTED COURSE OF ACTION:**

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This is an informational item Board/Commission meeting times will need to be determined for the next step in the process.





# Village of Brookfield

Manager's Office

**DATE:** January 26, 2009

**To:** Department Heads and Commission Liaisons  
Riccardo Ginex, Village Manager

**FROM:** Keith R. Sbiral, AICP, Assistant Village Manager

**Re:** Board and Commission Protocol

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## Board and Commission Meeting Responsibilities

**ALL MEETING AGENDAS MUST FOLLOW THE SAME FORMAT AND BE RECEIVED BY THE MANAGER'S OFFICE BY 5 P.M. ONE WEEK PRIOR TO THE SCHEDULED MEETING. ANY LATE NOTICES WILL RESULT IN MEETING CANCELATION.**

The Board of Trustees will be trained and will meet with each commission and board/committee over the coming months. Goals will be determined and work plans will be developed as part of the yearly budget process.

### Outline of Duties and Responsibilities:

#### **Staff Liaison**

1. Coordinate with Chair to develop yearly meeting calendar.
2. Coordinate with Chair to develop agenda for each meeting.
3. Create and save the meeting agenda.
4. Deliver meeting agenda to Manager's Office by deadline for all posting obligations.
5. Coordinate all requirements for Special Meetings.
6. Notify all parties in the event of a meeting cancelation.
7. Be the primary record keeper for all minutes of Commission or Committee actions.
8. **Develop concise quality information so the commission can make an informed decision on agenda items. This may include a staff report.**
9. Deliver all approved minutes in final form for record keeping to the Manager/Clerks Office.

#### **Board Trustee Liaison**

1. Attend Meetings.
2. Communicate goals of the Board of Trustees to the Commission or Committee.
3. Report on activities of the Commission or Committee to the Board of Trustees.

#### **Committee/Commission Chair**

1. Coordinate meeting agendas and calendars of meetings with the Staff Liaison.
2. Run orderly meetings



**Commission or Committee Member**

1. Attend the meeting and act on proposals as a recommending body.

**Manager's Office**

1. Post all agendas for meetings within required time periods:
  - a. Bulletin Board
  - b. Web
  - c. Fax to newspapers
2. Maintain all "official copies" of records including approved minutes and copies of all agendas.

**Commission/Committee Agendas**

Please see the attached sample for a agenda template.

**Format**

1. All Commission and Committee agendas must use the same format, be printed on Village letterhead, and contain the A.D.A. statement for equal access to meetings.
2. Extra meeting agendas should be placed outside the location of the meeting prior to the meeting.
3. Absolutely no business that is not contained on the written agenda shall be discussed before, during or after the meeting. Exceptions to this rule will result in an open meetings act violation.

**Meeting Requirements****Quorum**

Absolutely no meeting may be held without a quorum. Absolutely no gathering can be held if it is not noticed with a quorum. Quorum requirements are as follows for each committee or commission:

<b><u>Brookfield Public Body</u></b>	<b><u>Number of Members (Assuming No Vacancies)</u></b>	<b><u>Quorum</u></b>	<b><u>Majority of a Quorum</u></b>
President and Board of Trustees RG/KS	7	4	3
Plan Commission - MB	7	4	3
Zoning Board of Appeals - MB	7	4	3
Ethics Commission - RG	3	2	2
Board of Health - KS	3	2	2
Public Safety Commission - MR	3	2	2
Conservation Commission - SD	7	4	3
Playground and Recreation Board - BH	7	4	3
Historical Commission - RG	7	4	3
Beautification Committee - AK	9	5	3
Streets and Infrastructure Commission RG/KS	3	2	2
Planning, Zoning and Economic Development Committee - KS	3	2	2
Fire Pension Board - DC	9	5	3
Police Pension Board - DC	5	3	2
Police and Fire Commission – PL/SS	3	2	2
Board of Local Improvements – RG	5	3	2

As always, if you have any further questions please do not hesitate to contact me.






## COMMITTEE ITEM MEMO

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**ITEM:** Email Communication and Retention Policy

**COMMITTEE DATE:** February 9, 2009

**PREPARED BY:** Keith R. Sbiral, AICP, Assistant Village Manager 

**PURPOSE:** Staff Presentation of a proposed policy

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### BACKGROUND:

Staff has worked together with Village Attorney Ramello to develop a formal policy for email communication and retention at the Village of Brookfield. Staff will outline this policy as well as internal practices at the meeting.

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### ATTACHMENTS:

1. Memorandum from Richard Ramello to Keith Sbiral, dated January 14, 2009.
2. Draft Resolution

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### STAFF RECOMMENDATION:

Staff will give a presentation at the Committee of the Whole meeting.

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### REQUESTED COURSE OF ACTION:

This item will be placed on a future Board Agenda.



## MEMORANDUM

TO: Keith Sbiral

FROM: Richard J. Ramello

DATE: January 14, 2009

RE: E-Mail and Record Retention Policy

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Attached please find a copy of a proposed Village of Brookfield Policy Regarding Use of E-Mail Communications for Elected and Appointed Officials, Boards, Commissions and Employees (the "E-Mail Policy"). The purpose of the policy is to assist the Village President and Board of Trustees ("Corporate Authorities") and members of various village commissions, boards and committees, such as the Plan Commission, Zoning Board of Appeals, Police Pension Board and Police and Fire Commission (collectively, "Public Body Members") and village employees, to comply with the requirements of the Illinois Open Meetings Act, the Freedom of Information Act and the Local Records Act.

The E-Mail Policy sets forth restrictions on the e-mailing of communications regarding village business between Public Body Members, with certain exceptions set forth in the policy. The restrictions do not apply to communications between Public Body Members constituting less than the majority of a quorum of that particular public body, or to certain types of communications, such as meeting reminders. Caution is urged regarding certain types of e-mail use, and using "reply to all" responses and the use of electronic chat rooms, instant messaging and/or bulletin boards sent to or between a majority of a quorum or more of such Public Body Members discussing village business, because such use would likely result in a violation of the Open Meetings Act which could subject the offending members to criminal prosecution.

Also, permitted e-mail communications between any of the Corporate Authorities, or any of the Corporate Authorities and the public, and/or any of the Corporate Authorities and staff, may constitute "public records" covered by the Freedom of Information Act and/or the Local Records Act, depending on the subject of the e-mail communications, and to whom and where they are transmitted. Unfortunately, the Freedom of Information Act and Local Records Act contain different definitions as to what constitutes a "public record." Accordingly, there is also attached a proposed Electronic Mail ("E-Mail") Retention Policy to assist Public Body Members and village staff in complying with the requirements of the Freedom of Information Act and the Local Records Act. The Electronic Mail ("E-Mail") Retention Policy sets forth guidelines for determining which electronic communications constitute "public records" and establishes procedures to be complied with prior to the destruction of any "public record." The Electronic Mail ("E-Mail") Retention Policy also establishes procedures in responding to the Freedom of Information Act requests regarding electronic communications.

Although the requirements set forth in both policies are somewhat technical and the determination of what is “village business” and what are “public records” is not always clear in practice, it is necessary that the Corporate Authorities adopt the above-described policies in order to assist the Public Body Members and the village to comply with the Open Meetings Act, the Freedom of Information Act and the Local Records Act, given the ever-increasing use of electronic communications in the conduct of village business.

The E-Mail Policy does not cover e-mail from residents to the Village President and/or the Village Trustees at their respective private e-mail addresses received at home or at work, even if it concerns village business. However, note that if the message is an urgent matter that clearly affects public health or safety, it is appropriate to endeavor to forward it to the Village Manager. However, electronic messages received through the village’s website that are addressed to elected officials would be subject to the policies (see Section V of the E-Mail Policy).

Accordingly, I recommend that the Village Board pass the attached “Resolution Approving the Village of Brookfield Policy Regarding the Use of E-Mail Communications for Elected and Appointed Officials, Boards, Commissions and Employees and the Village of Brookfield Electronic Mail (‘E-Mail’) Retention Policy”.

RESOLUTION NO. R - 2009 -

**A RESOLUTION APPROVING AND ADOPTING POLICY REGARDING USE OF E-MAIL COMMUNICATIONS FOR ELECTED AND APPOINTED OFFICIALS, BOARDS, COMMISSIONS AND EMPLOYEES AND AN ELECTRONIC MAIL RETENTION POLICY FOR THE VILLAGE OF BROOKFIELD, ILLINOIS**

PASSED AND APPROVED BY  
THE PRESIDENT AND BOARD OF TRUSTEES  
THE \_\_\_\_ DAY OF \_\_\_\_\_ 2009



RESOLUTION NO. R - 2009 -

**A RESOLUTION APPROVING AND ADOPTING POLICY REGARDING USE OF E-MAIL COMMUNICATIONS FOR ELECTED AND APPOINTED OFFICIALS, BOARDS, COMMISSIONS AND EMPLOYEES AND AN ELECTRONIC MAIL RETENTION POLICY FOR THE VILLAGE OF BROOKFIELD, ILLINOIS**

**WHEREAS**, the Illinois Open Meetings Act (5 ILCS 120/1, *et seq.*), the Illinois Freedom of Information Act (5 ILCS 140/1, *et seq.*) and the Local Records Act (50 ILCS 205/1, *et seq.*), all have application to, but do not currently provide explicit guidance to units of local government regarding the use of e-mail or the preservation of e-mail; and

**WHEREAS**, in order to comply with the requirements of the aforementioned acts and to orderly maintain the public records of the village, the corporate authorities of the Village of Brookfield have considered the advisability, necessity and interests of the village regarding the adoption of a Policy Regarding Use of E-Mail Communications for Elected and Appointed Officials, Boards, Commissions and Employees and an Electronic Mail Retention Policy.

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Brookfield, Cook County, Illinois, as follows:

**Section 1:** It is hereby determined that it is advisable, necessary and in the public interest that the Village of Brookfield approve and adopt a Policy Regarding Use of E-Mail Communications for Elected and Appointed Officials, Boards, Commissions and Employees and an Electronic Mail Retention Policy.

**Section 2:** There is hereby approved a Policy Regarding Use of E-Mail Communications for Elected and Appointed Officials, Boards, Commissions and Employees and an Electronic Mail Retention Policy to be known as the Village of

Brookfield Policy Regarding Use of E-Mail Communications for Elected and Appointed Officials, Boards, Commissions and Employees and the Village of Brookfield Electronic Mail Retention Policy, copies of which are attached hereto marked as Exhibit "A" and made a part hereof.

**Section 3:** The village staff be and is hereby authorized and directed to implement the Village of Brookfield Policy Regarding Use of E-Mail Communications for Elected and Appointed Officials, Boards, Commissions and Employees and the Village of Brookfield Electronic Mail Retention Policy.

**Section 4:** This Resolution shall be in full force and effect upon its passage and approval in accordance with law.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote as follows:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSTENTION:** \_\_\_\_\_

**APPROVED** by me the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Michael J. Garvey, President of the  
Village of Brookfield, Cook County, Illinois

ATTESTED and filed in my office,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Brigid Weber, Clerk of the Village  
of Brookfield, Cook County, Illinois

**Exhibit A**



## VILLAGE OF BROOKFIELD

### POLICY REGARDING USE OF E-MAIL COMMUNICATIONS FOR ELECTED AND APPOINTED OFFICIALS, BOARDS, COMMISSIONS AND EMPLOYEES

#### I. Statement of Purpose:

The Illinois Open Meetings Act (5 ILCS 120/1, *et seq.*), the Illinois Freedom of Information Act (5 ILCS 140/1, *et seq.*) and the Local Records Act (50 ILCS 205/1, *et seq.*), do not currently provide explicit guidance to units of local government regarding the use of e-mail or the preservation of e-mail.

#### A. The Open Meetings Act:

The Open Meetings Act was enacted prior to the widespread use of e-mail and similar communication. The understanding when the Open Meetings Act was adopted was that non-real-time communications, such as traditional mail, could not constitute a "gathering" that would trigger application of the Open Meetings Act. The legislature did acknowledge, however, that real-time communications such as telephone conference calls or teleconferences would constitute "gatherings" for the discussion of the public business that triggered the requirements of the Open Meetings Act regarding prior notice to the public, public attendance and minutes. Today, the widespread use of instant messaging, whether on the Internet or an intranet, and availability of chat rooms for electronic discussion, e-mail and related computer-based communications has now approached and perhaps crossed the boundary of real-time communication. In order to avoid complaints and charges of violations of the Open Meetings Act, it is desirable to adopt a policy limiting the use of such means of communication to matters that would not constitute the discussion of public business so as to come within the scope of Open Meetings Act.

#### B. The Freedom of Information Act:

Under the Freedom of Information Act, public records are matters subject to inspection and copying by members of the public and the media. To the extent that use of e-mail may constitute a gathering of a majority of a quorum of a particular public body where a discussion of public business takes place, it constitutes a meeting, requires that minutes be taken, and the records surrounding it would also become public records. In the event of litigation or governmental inquiry concerning conformance with the Open Meetings Act or other related subjects, the e-mail in question may be discoverable, along with the computer hardware on which the e-mail is or was at one time stored.

#### C. The Local Records Act:

Finally, to the extent an e-mail communication constitutes a public record, it must be maintained by the village until, upon application to the Cook County Local Records Commission by the Village President, the commission determines in writing that the public record it is not

needed in the transaction of current village business and does not have sufficient administrative, legal or fiscal value to warrant its further preservation in accordance with the Local Records Act.

## II. Scope of Policy:

This policy is intended to cover e-mail, meaning electronic message, whether text, graphics, attachments or other, transmitted through the Internet, an intranet, a wireless voice/data carrier or service or other similar means. Use of the term "e-mail" throughout this policy shall be interpreted to refer to all the afore-described communications and any other similar or new technologies.

This policy is intended to include, without limitation, e-mail sent by and between all members of all public bodies and subsidiary bodies of the Village of Brookfield, including the Village President and the Village Board of Trustees, the Village Board's various standing committees, and all boards, commissions, ad hoc committees and other advisory or subsidiary bodies and subcommittees, as the case may be, each of which is referred to herein as a "Public Body" to which this policy shall be applicable.

This policy does not restrict e-mail communication between a member of a Public Body and a public employee of the Village of Brookfield, unless the public official and the public employee in question are both members of a Public Body whose business to which the communication relates. This policy also does not restrict e-mail communication between less than a majority of a quorum of any such Public Body, for example, between the Village President and a single Village Trustee, or between two Village Trustees, to discuss public business. However, e-mail communications between the Village President and two or more Village Trustees, or between three or more Village Trustees, about public business shall be prohibited.

## III. Prohibited Use of E-Mail:

### A. E-Mail Not to be Used for Discussion of Public Business by a Majority of a Quorum of a Public Body.

E-mail shall not be used to discuss or transmit messages discussing public business by and between a majority of the quorum of the members of a Public Body, including between a majority of the quorum of the members of the Corporate Authorities, or between a majority of a quorum of members of the Plan Commission, Zoning Board of Appeals or any other committees or subsidiary bodies or subcommittees of each such Public Body. The members of the Police Pension Board, made up of five members, and the members of the Police and Fire Commission, which is made up of three members, shall be prohibited from the use of e-mail communications to discuss public business.

B. Prohibited Uses of E-Mail.

In order to comply with the prohibitions set forth in the Open Meetings Act, the Corporate Authorities shall not e-mail messages and/or send other communications or attachments concerning village business to other Village Trustees, except as provided in Section IV below.

C. Prohibited Uses of E-Mail by Other Public Bodies.

No member of any board, commission, committee, advisory or subsidiary body or subcommittee of the Village shall e-mail and/or send other communications regarding village business to any other members of the Public Body of which he or she is a member, except as provided in Section IV below.

D. Electronic "Chat Rooms"/Instant Messaging Prohibited.

Electronic "chat rooms"/instant messaging are inherently detrimental to the open meetings process and members of Public Bodies shall not utilize "chat rooms" to conduct or otherwise communicate village business, except as provided in Section IV below.

E. "Bulletin Boards" Prohibited.

"Bulletin boards" or other similar formats, which permit the development of "discussion threads," shall not be utilized by members of a Public Body to conduct or otherwise communicate village business, except as provided in Section IV below.

Because "chat rooms," instant messaging, "bulletin boards" and similar formats involve real-time communication, great care should be used by Public Body Members utilizing these methods of communication to be certain that a majority of a quorum of a Public Body are not ever communicating together at the same time utilizing such method.

IV. Permitted Uses of E-Mail:

A. E-mail may be used for routine communications from the Village Manager, department heads and/or village support staff to members of a Public Body; however, if such communications request or are intended to elicit a reply from members of a Public Body, the reply should be sent only to the sender if it contains discussion of public business. E-mail by and between a majority of a quorum or more members of a Public Body shall be limited to dissemination of information and may not include deliberation, debate or decision making.

Examples of acceptable e-mail subjects by and between a majority of a quorum or more members of a Public Body include:



- Requests for available dates and times for meetings.
- Meeting reminders.
- Transmittal of agenda materials in advance of a meeting.
- Dissemination of information.
- Communication with Village staff and other messages to staff, provided they do not involve deliberation, debate or discussion of public business relating to the public body.

The Corporate Authorities may correspond among themselves regarding matters of Village business, provided that any such communication does not involve a group of the Corporate Authorities that constitutes a majority of a quorum, i.e., not more than two members of the Corporate Authorities. Members of other Village boards, commissions, committees, subcommittees, advisory or subsidiary boards and subcommittees may correspond among themselves regarding matters of Village business, provided that any such communication does not involve a group of such board, commission, advisory or subsidiary board or subcommittee members that constitutes a majority of a quorum of such Public Body. What constitutes a majority of a quorum of a particular Public Body can change from time to time depending on the number of vacancies on such Public Body. Generally, however, the majority of a quorum for each of the following Public Bodies of the Village shall be as follows:

<u>Brookfield Public Body</u>	<u>Number of Members (Assuming No Vacancies)</u>	<u>Quorum</u>	<u>Majority of a Quorum</u>
President and Board of Trustees	7	4	3
Plan Commission	7	4	3
Zoning Board of Appeals	7	4	3
Ethics Commission	3	2	2
Board of Health	3	2	2
Public Safety Commission	3	2	2
Conservation Commission	7	4	3
Playground and Recreation Board	7	4	3
Historical Commission	7	4	3
Beautification Committee	9	5	3
Streets and Infrastructure Commission	3	2	2
Planning, Zoning and Economic Development Committee	3	2	2
Fire Pension Board	9	5	3
Police Pension Board	5	3	2
Police and Fire Commission	3	2	2

#### V. E-Mail from the Public to Members of Public Bodies.

This policy does not apply to e-mail messages sent by a non-member of the Corporate Authorities to the Village President and/or a Village Trustee(s) at his or her personal e-mail address used by said individual(s) at home or work, even if it arguably concerns village business, unless said message, in the reasonable judgment of the official, concerns an urgent matter of

village business that clearly affects public health and/or safety, in which event the recipient will endeavor to forward said e-mail message promptly after opening it to the Village Manager. In the event a member of the public posts a message with the village through the village's website, and said message is directed to the Village President and/or the village Board of Trustees, the Village Manager will forward the message to those members of the Corporate Authorities who have requested copies of all such messages, or as directed by said official at a public meeting or in writing.

VI. Caution in Use of E-Mail; No "Reply to All" or "CC" to Other Members of a Public Body.

Because of the ease with which e-mail can be forwarded, copied or misdirected, either intentionally or inadvertently, use of e-mail should be avoided whenever the subject of the e-mail is a sensitive or confidential matter. The Village Manager may provide information relating to village business to the Village President and/or Village board members, attachments or other electronic methods. Any response thereto from the Village President and/or village board members regarding these communications involving village business shall be sent only to the Village Manager, and no "reply to all" responses, "forward," or "cc" of the response shall be sent, forwarded or copied to other members of the Corporate Authorities. An appropriate record of these communications, if they relate to public business and are public records within the definition thereof set forth in the Open Meetings Act, the Freedom of Information Act and/or the Local Records Act, shall be retained by the village in accordance with the Local Records Act and the Village of Brookfield Electronic Mail ("E-Mail") Retention Policy.

## VILLAGE OF BROOKFIELD

### ELECTRONIC MAIL ("E-MAIL") RETENTION POLICY

#### Purpose:

The purpose of this policy is to establish an e-mail policy regarding the retention of certain records by all village officials received at the village, and employees that create, use, and/or manage e-mail in accordance with the Local Records Act (50 ILCS 205/1 *et seq.*). Additionally, this policy will set forth some general guidelines as to what constitutes a "public record."

#### Intent:

To establish guidelines that will promote the effective capture, management, and retention of e-mail messages which are public records in compliance with Local Records Act. This policy is not intended to discourage the use of e-mail to conduct village business, but rather to establish a framework for its proper use as a communications tool. E-mail can still function as a viable, efficient means to conduct business. Consistency, predictability, and reliability in the manner in which the e-mail system is used and in which public records are maintained within the village are the primary focuses of this policy.

#### Policy:

All village records should be inventoried and analyzed for administrative, legal, financial and historical values to ensure that:

1. Valuable records are adequately preserved; and
2. Obsolete public records are destroyed in accordance with the below-described Record Retention Schedule and after approval is received from the Local Records Commission.

#### Scope:

This policy applies to all e-mail and e-mail attachments circulated within the Village.

#### Definitions:

A. E-mail messages are text documents which are created, stored and delivered in an electronic format. As such, e-mail messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.

B. Non-public record messages are e-mail messages that do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Rather, they are informal communications that are similar to communications during telephone conversations or conversations in an office hallway. Generally, non-public record messages are short-lived, with no historical significance or public importance, and need not be retained after they have fulfilled their purpose. Examples include:



1. Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies.
2. Originating office copies of letters of transmittal that do not add any information to that contained in the transmittal material.
3. Quasi-official notices including memoranda and other records that do not serve as the basis of official actions (i.e., holiday notices, meeting confirmations, etc.).

C. Public records under the Freedom of Information Act. "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of the Freedom of Information Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act.

D. Public records under the Local Records Act. "Public record" means any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and

preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of public record.

#### Access and Privacy:

Users should take note that the information generated in an e-mail may be a public record subject to retention and public inspection.

#### Retention:

Generally, e-mail messages are temporary communications which are non-vital and may be discarded routinely. However, depending on the content of the e-mail, it may be considered public record. Accordingly, public officials (who receive messages through the village's website) and employees have the same responsibilities for e-mail messages as they do for any other public record and must distinguish between public records and non-public record information.

Non-public record messages should be deleted from files as soon as they have fulfilled their purpose. Non-public record messages are those records that are not required to be kept under law or whose preservation is not necessary or convenient to conduct village business. However, messages determined by users to be public records should be properly preserved and disposed of as specified in the village's approved records retention schedule, a copy of which is attached hereto and incorporated herein (the "Record Retention Schedule"), and following approval by the Local Records Commission as provided for herein. The Local Records Act defines public records to include digitized electronic material, made, produced, executed, or received by the village or an elected or appointed official or officer of the village pursuant to law in connection with the transaction of public business and preserved or appropriate for preservation by the village or officer as evidence of the organization, function, policies, decisions, procedures or activities thereof or because of the informational data contained therein and expressly includes reports and records regarding the obligation, receipt and use of public funds of the village, including certified audits, management letters and audit reports. Examples of messages considered to be public records might include policy documents or contract-related documents.

Messages and attachments should be reviewed at a minimum of every 15 days and, if they are determined to be public records, should either be retained in a separate permanent electronic public record directory or printed fully (including time, date, sender and receiver) and retained in paper format.

The village may delete all messages from the server thirty (30) days after they have been opened provided any public records are retained in a separate permanent electronic public record directory or printed and retained in accordance with the procedures herein.

Factors to consider in deciding whether an electronic document is a public record are:

1. Is the electronic document used in connection with the transaction of public business (this eliminates all e-mails which do not relate to public business, i.e., personal notes, etc.)?

2. Is the electronic document official documentary material (a draft of a letter vs. the letter itself)?

3. Is the electronic document a public record that is subject to the Freedom of Information Act? For example, "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated" need not be produced under Freedom of Information Act, "except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

4. Is the material "appropriate for preservation by the village or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities of the village, or because of the informational data contained therein"? These would eliminate the necessity of keeping documents which do not reflect the official actions of the village, but rather the comments or actions of individuals which reflect not the policy of the village but the thought of the individual.

5. Does the document have any historical significance? Is the document evidence of the function, policies, decisions, procedures or other activities of the village or of just an individual?

6. Many e-mail documents rapidly become stale and do not reflect "function, policies, decisions, procedures, etc." when a matter is finalized. Therefore, only the final document need be kept.

7. Are the records duplicative? Only one copy need be retained.

NOTE: A public record that is stored and accessible after this time is still a public record and must be produced upon request, if it does not fall within one of the Freedom of Information Act's exemptions or is otherwise exempt from disclosure by law. Accordingly, a systematic deletion program that eliminates obsolete documents should be implemented in conjunction with the system administrator.

#### Examples of E-Mails that Generally Constitute Public Records:

- E-mail created or received by village employees and/or officials of the village in connection with village business.
- E-mail that facilitates action, such as initiating, authorizing or completing a transaction in connection with village business.

#### Examples of E-Mails that Generally do not Constitute Public Records:

- Personal e-mail messages and announcements not related to village business.



- Copies or extracts of documents e-mailed for convenience or reference.
- Internal e-mails created by employees on work-related topics which do not facilitate action (i.e., cover notes, etc.).
- E-mails containing drafts, notes or inter-office memoranda that are not retained by the village in the ordinary course of business.

#### Examples of E-Mails that may Constitute Public Records:

- E-mail that provides substantive comments on an action taken by the village (i.e., comments that add to a proper understanding of the execution of the final village action).
- E-mail providing documentation of significant official decisions and commitments reached orally and not otherwise documented in the village's files.

#### Responding to Freedom of Information Act Requests:

If an e-mail does fall within the definition of a public record, it may not be deleted, except as provided in the Record Retention Schedule and following written approval from the Local Records Commission unless the record has been printed and retained in accordance with the procedures herein. Further, these e-mails should be reviewed prior to release under the Freedom of Information Act so that any exempt information contained in them may be redacted. Finally, if the e-mail falls within one of the Freedom of Information Act exemptions, or is otherwise exempt by law from disclosure, it need not be produced. All Freedom of Information Act requests must be responded to in accordance with the requirements of Freedom of Information Act and the village's rules and regulations regarding Freedom of Information Act requests.

If in doubt as to whether an e-mail message is a public record or contains exempt information, contact the Village Attorney.

#### Copy of Record:

Where e-mail communication is between a sender and a recipient, who are both employees and/or officials of the village, the sender's copy is designated as the copy of record. In other words, it is the sender's copy to which any retention requirements would apply. All other copies are merely "duplicates" and can be disposed of at will. Cases where this principle does not apply include e-mail received from other agencies or from the public.

Review:

A periodic review of this policy shall be undertaken to keep the policy current with best practices and new technology.

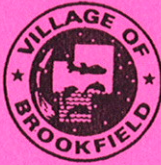
**RECORD RETENTION SCHEDULE**

Records determined to be public records under the Local Records Act shall be permanently retained until the Cook County Local Records Commission issues written approval to dispose of the public record.

An application containing a list and schedule of the public records proposed for disposal and procedures for the physical destruction or other disposition of such public records should be made by the Village President to the Cook County Local Records Commission thirty (30) days after it is determined that the public record is not needed in the transaction of current village business and does not have sufficient administrative, legal or fiscal value to warrant its further preservation.

Records determined not to be public records under the Local Records Act may be deleted from the server thirty (30) days after they have been opened provided that the record it is not needed in the transaction of current village business and does not have sufficient administrative, legal or fiscal value to warrant its further preservation.





# COMMITTEE ITEM MEMO

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**ITEM:** WEDGE Task Force  
**COMMITTEE DATE:** February 9, 2009  
**PREPARED BY:** Chief Steven Stelter  
**PURPOSE:** The Brookfield Police Department joining the West Suburban Directed Gang Enforcement (WEDGE) Task Force.  
**BUDGET AMOUNT:** \$750.00

**BACKGROUND:**

In order to follow through with the stated goals set forth by the Village Board for 2009 in the area of public safety, the Police Department is requesting to add officers to the WEDGE Task Force. The purpose of the task force is to prevent and disrupt criminal activity throughout member municipal jurisdictions. The WEDGE Task Force displays a real commitment to high visibility gang and drug enforcement.

**ATTACHMENTS:**

1. Inter-governmental Agreement

**STAFF RECOMMENDATION:**

The Committee of the Whole approves the request for the police department to participate in the WEDGE Task Force, and forward to the Board of Trustees for final approval.

**REQUESTED COURSE OF ACTION:**

A resolution authorizing the police department to participate in the WEDGE Task Force be presented during the February 23, 2009 Board of Trustees meeting for review and vote.



**AN INTERGOVERNMENTAL AGREEMENT  
ESTABLISHING A MULTI-JURISDICTIONAL  
TASK FORCE TO DETER ORGANIZED AND  
STREET GANG CRIMINAL ACTIVITY  
AS AMENDED FEBRUARY 23, 2009**

**RECITALS:**

A. THE CORPORATE AUTHORITIES of the City of Berwyn, the Village of Brookfield, the Village of Forest Park, the Village of Lyons, the Village of North Riverside, the Village of Oak Park, the Village of Riverside and the Village of Stickney (hereinafter each of which is referred to singularly as a "Municipality" and collectively the "Municipalities"), are authorized by the Article VII, Section 10 of the Illinois Constitution, the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* and Sections 11-1-2.1 of the Illinois Municipal Code, 65 ILCS 5/11-1-2.1, to enter into agreements relating to the joint provision of police services and their respective police officers are pursuant to Sections 7-4-7, 7-4-8 and 11-1-2.1 of the Illinois Municipal Code, 65 ILCS 5/7-4-7, 5/7-4-8 and 5/11-1-2.1, authorized and empowered to act as peace officers in adjoining municipalities and in the Municipalities which are a party to this intergovernmental agreement.

B. THE MUNICIPALITIES recognize that organized criminal activities, particularly Street Gang activity as defined in 740 ILCS 147/1 *et seq.* (collectively "Criminal Activity"), exist throughout the near west suburban Chicago area.

C. THE MUNICIPALITIES have determined that the investigation, arrest and conviction of offenders engaged in Criminal Activity can be best achieved if the Municipalities

mutually obtain, exchange and maintain intelligence in a uniform manner and further provide for joint enforcement procedures concerning Criminal Activity.

D. THE MUNICIPALITIES have determined that the establishment of a multijurisdictional task force, as described herein, is the most efficient method for deterring Criminal Activity.

E. THE MUNICIPALITIES find that the establishment of a multi-jurisdictional task force to fight Criminal Activity will serve to promote the health, safety, and welfare of the residents of the Municipalities.

**NOW, THEREFORE, IT IS HEREBY AGREED TO BY AND AMONG THE MUNICIPALITIES** as follows:

**SECTION 1: Creation.** There is hereby established by and among the Municipalities, a multi-jurisdictional task force named "Safety Net" (hereinafter referred to as the "Project").

**SECTION 2: Project Objectives.** The Project shall have the following objectives:

- A. To obtain, exchange and maintain in a uniform manner intelligence concerning Criminal Activity and offenders engaged in Criminal Activity.
- B. To address various areas of Criminal Activity within the multi-jurisdictional area.
- C. To develop an inter-departmental task force assignment of police personnel to target areas of known Criminal Activity for effective crime detection and deterrence.

D. To eliminate or discourage Criminal Activity in the multi-jurisdictional area.

**SECTION 3: Project Organization.** The Project shall be organized as follows:

**A. Board of Directors:** The Project shall be governed by a Board of Directors consisting of the eight police chiefs of the Municipalities (the “Board of Directors”). The chiefs shall: (i) determine all major policies, (ii) establish necessary rules, principles and procedures for the project in order to govern the conduct of Project participants; (iii) appoint and remove personnel from the project; and (iv) exercise final authority for assignment of personnel and make final operational decisions.

**B. Project Director:** The Project and all police personnel assigned to the Project shall be under the operational command of the “Project Director,” who shall exercise complete control over personnel and overall investigations or other operations connected with the Project. The Project Director shall report directly to the Board of directors. The Project Director shall be appointed by the Board of Directors and shall be a supervisory officer of one of the Municipalities.

**C. Training Director:** The Training Director, a supervisory officer appointed by the Board of Directors, shall be responsible for the supervision and implementation of any training conducted in connection with the Project and shall report directly to the Project Director.

**D. Project Coordinator:** The Project Coordinator appointed by the Board of Directors shall be responsible for the coordination of operations and communications among the municipalities and shall report directly to the Project Director.

#### **SECTION 4: Personnel and Equipment.**

A. Each Municipality shall assign a minimum of one police officer to the Project for the term of this Agreement. Each Municipality may rotate its assigned officer.

All salary and other benefits payable to the assigned officer participating in the Project shall be paid by the officer's employing Municipality. The Municipality on behalf of which the police officer is employed shall be solely responsible for any worker's compensation or other disability claim brought by its assigned officer for any injury sustained by the officer in connection with the Project. In addition, the Municipality on behalf of which the police officer is employed shall be solely responsible for any claims for injury to persons or damage to property arising out of the activity of its participating officer under this Agreement.

B. Each municipality shall furnish to the Project, and be responsible for, insurance and maintenance of one unmarked automobile and one portable radio.

C. Pursuant to Section 1-4-6 of the Illinois Municipal Code, 65 ILCS 5/1-4-6, in case any injury to the person or property of another is caused by a police officer of a Municipality while the police officer is engaged in the performance of his or her duties as a police officer, and without the contributory negligence of the injured person or the owner of the injured property, or the agent or servant of the injured person or owner, the Municipality in whose behalf the police officer is performing his or her duties as police officer shall indemnify the police officer for any judgment recovered against him or her as the result of such injury, except where the injury results from the wilful misconduct of the police officer, to the extent of not to exceed \$1,000,000 including costs of the action. For purposes of this intergovernmental agreement, at all times during which a police



officer is engaged in the performance of his or her duties as a police officer pursuant to the terms of this intergovernmental agreement, the police officer shall be considered to be performing his or her duties on behalf of the Municipality by which the police officer is employed. Any police officer, or any person who, at the time of performing such an act complained of, was a police officer, who is made a party defendant to any such action shall, within 10 days of service of process upon him or her, notify the Municipality by whom he or she is or was employed, of the fact that the action has been instituted, and that he or she has been made a party defendant to the same. Such notice shall be in writing, and shall be filed in the office of the city attorney or corporation counsel, if there is a city attorney or corporation counsel, and also in the office of the municipal clerk, either by himself or herself, his or her agent, or attorney. The notice shall state in substance, that such police officer, (naming him or her), has been served with process and made a party defendant to an action wherein it is claimed that a person has suffered injury to his or her person or property caused by such police officer; stating the title and number of the case; the court wherein the same is pending; and the date such police officer was served with process in such action, and made a party defendant thereto. The Municipality which is or may be liable to indemnify the police officer shall have the right to intervene in the suit against the police officer, and shall be permitted to appear and defend. The duty of the Municipality to indemnify any such policeman for any judgment recovered against him shall be conditioned upon receiving notice of the filing of any such action in the manner and form herein described. If a police officer is acting within a Municipality other than his or her employing Municipality under this intergovernmental agreement, the liability or obligation to indemnify imposed by this Section does not extend to both

Municipalities. Only the Municipality by which the police officer is employed is subject to such liability or obligation.

**SECTION 5: Operations.**

A. Each assigned police officer shall be on duty on a schedule to be determined by the Project Coordinator.

B. Each assigned police officer shall report to the Police Department of the individual participating Municipality as shall be scheduled by the Project Coordinator, and shall be subordinate to the supervisory authority of such Project officer as shall be determined by the Project Director. The Project Director shall be responsible for determining all lines of authority and chain of command with respect to the operation of the Project.

C. Each police officer assigned to work in a participating Municipality other than the Municipality employing that officer, shall have the authority to act as a police officer in the assigned Municipality in furtherance of the purposes of this Agreement, and as directed by the Project Coordinator.

D. In the event of asset forfeitures, all participating agencies will equitably share all awards.**SECTION 6: Term.**

This intergovernmental agreement shall have an initial term of two (2) years from the date this agreement is effective, and shall automatically renew for annual terms thereafter.

**SECTION 7: Withdrawal from Project.**

The corporate authorities of any Municipality may withdraw from this intergovernmental agreement and the Project by notifying the corporate authorities of the other Municipalities of such withdrawal, in writing, and such withdrawal shall be effective thirty (30) days from the date of such notice.

**SECTION 8: Additional Municipalities.** Additional municipalities may be permitted to become a party to this Agreement upon approval of the Board of Directors of the Project and the corporate authorities of the Additional Municipality.

**SECTION 9: Governing Law, Severability and Effective Date.** This agreement shall be construed in accordance with the laws of the State of Illinois. If any provision of this Agreement is held by any court or other competent authority to be void or unenforceable in whole or part, this agreement shall continue to be valid as to the other provisions thereof and the remainder of the affected provision. This agreement shall be effective from and after the date on which it is approved by two or more of the Municipalities listed in Paragraph A, page one except as to Additional Municipalities for which this agreement shall be effective from and after the date on which it has been approved by both the Board of Directors of the Project and the corporate authorities of the Additional Municipality. This agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original; and such counterparts together shall constitute only one instrument. Any one of such counterparts shall be sufficient for the purpose of proving the existence and terms of this agreement, and no Municipality shall be required to produce an original or all of such counterparts in

making such proof. The headings of the sections contained in this agreement are included herein for reference purposes only, solely for the convenience of the parties hereto, and shall not in any way be deemed to affect the meaning, interpretation or applicability of this agreement or any term, condition or provision hereof. This agreement shall inure to the benefit of and be binding upon all of the Municipalities hereto.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals this \_\_\_\_ day of February \_\_\_\_\_, 2009, as approved and authorized by the corporate authorities of each Municipality.

**ATTEST:**

**CITY OF BERWYN**

\_\_\_\_\_

**BY:** \_\_\_\_\_

**ATTEST:**

**VILLAGE OF BROOKFIELD**

\_\_\_\_\_

**BY:** \_\_\_\_\_

**ATTEST:**

**VILLAGE OF FOREST PARK**

\_\_\_\_\_

**BY:** \_\_\_\_\_

**ATTEST:**

**VILLAGE OF LYONS**

\_\_\_\_\_

**BY:** \_\_\_\_\_

**ATTEST:**

**VILLAGE OF NORTH RIVERSIDE**

\_\_\_\_\_

**BY:** \_\_\_\_\_

**ATTEST:**

**VILLAGE OF OAK PARK**



\_\_\_\_\_

BY: \_\_\_\_\_

**ATTEST:**

**VILLAGE OF RIVERSIDE**

\_\_\_\_\_

BY: \_\_\_\_\_

**ATTEST:**

**VILLAGE OF STICKNEY**

\_\_\_\_\_

BY: \_\_\_\_\_

## **NEAR WEST SUBURBAN GANG TASK FORCE**

### **PURPOSE & OBJECTIVES**

**Member Police Departments:** Berwyn, Brookfield, Forest Park, Lyons, North  
Riverside, Oak Park, Riverside, Stickney

**Purpose:** The purpose of the Near West Suburban Gang Task Force is to prevent and disrupt criminal activity throughout the member municipal jurisdictions. This purpose shall not be defeated by the transient nature of criminal activity and as such, police departments comprising the Near West Suburban Gang Task Force derive their authority from the "Intergovernmental Agreement Establishing a Multi-Jurisdictional Task Force to Deter Organized and Street Gang Activity" that was approved by the Village of Brookfield on February 23, 2009\_\_\_\_\_.

**Objectives:** The Near West Suburban Gang Task Force shall make every effort to achieve the following objectives:

1. Obtain, record, exchange and utilize intelligence information concerning criminal activity occurring in the various member jurisdictions;
2. Focus enforcement efforts on locations where criminal activity is prevalent;
3. Focus enforcement efforts on individuals known to be currently engaged in criminal activity;
4. Prevent criminal activity through the use of intelligence information, proactive patrol tactics and public education; and
5. Assist participating member police agencies with short-term tactical operations as needed.